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December 13, 2012

VIA FACSIMILE (609) 989-0435

The Honorable Tonianne J. Bongiovanni
U.S. Magistrate Judge
Clarkson S. Fisher Federal Bldg. & U.S. Courthouse
402 E. State Street
Trenton, New Jersey 08608

**Re: Fameco Real Estate L.P. vs. Bennett, et al.
Civil Action No. 12-06012 (JAP)**

Dear Judge Bongiovanni:

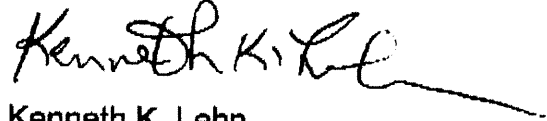
This firm represents Winick Realty Group, LLC and Winick Realty Group NJ, LLC, which are two of the four defendants in the above referenced action. Although this case apparently commenced in or about October, 2012, and is the subject of two pending motions (one by plaintiff seeking expedited discovery and one by defendants Bennett and Spector for dismissal for lack of diversity jurisdiction), the Winick defendants were only served on December 6 and December 10, 2012, respectively, and have not participated in the litigation.

I understand that a Rule 16 Conference is scheduled before Your Honor at 1:00 p.m. on December 19, 2012 and that a proposed joint discovery plan must be submitted by December 14, 2012. Because the Winick defendants had not been served, have not entered an appearance and have not been participating in the proceedings, I submit that it is premature to conduct a Rule 16 Conference on December 19. I ask that the Conference be re-scheduled.

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Additionally, because of the pending motion to dismiss, I request: (1) that the Rule 16 Conference be adjourned until after the court rules on the motion to dismiss to avoid potentially unnecessary legal expenses, or, alternatively, that it be adjourned until late January, 2013, with a new date assigned for submission of a joint discovery plan, and (2) that the stay of filing a responsive pleading applicable to defendants Bennett and Spector based upon their jurisdictional motion be extended to the Winick defendants so they also are not required to file a responsive pleading until ten days after the motion is decided.

Very truly yours,



Kenneth K. Lehn

KKL/hs

cc via e-mail: Matthew K. Blaine

Eric Tunis

Ernest E. Badway

The request to adjourn the Initial Conference is granted. It shall be rescheduled pending resolution of the Motion to Dismiss [DE#7]. If the Winick defendants wish to join the present motion, such application must be made to the District Judge.

So Ordered this 14th day
of December, 2012
